

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHANIEL BAILEY, : CIVIL ACTION
: NO. 20-4081
Petitioner, :
v. :
: OBERLANDER, et al., :
: Respondents. :
:

ORDER

AND NOW, this **17th** day of **December, 2020**, after
careful and independent consideration of Nathaniel Bailey's
Petition for a Writ of Habeas Corpus (ECF No. 2), the
Respondents' Memorandum Addressing Statute of Limitations (ECF
No. 10), and the Report and Recommendation of U.S. Magistrate
Judge Richard A. Lloret (ECF No. 12), it is hereby **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge
Richard A. Lloret is **APPROVED** and **ADOPTED**;
2. Mr. Bailey's Petition for Writ of Habeas Corpus is
DENIED and **DISMISSED** with prejudice by separate Judgment, filed
contemporaneously with this Order. See Fed. R. Civ. P. 58(a);
Rules Governing Section 2254 Cases in the United States District
Courts, Rule 12;
3. No certificate of appealability shall issue under
28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made
a substantial showing of the denial of a constitutional

right[,]” under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that “reasonable jurists” would find the Court’s “assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000); see United States v. Cepro, 224 F.3d 256, 262–63 (3d Cir. 2000), abrogated on other grounds by Gonzalez v. Thaler, 565 U.S. 134 (2012); and

4. The Clerk of Courts shall mark this file closed.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.